

**Exhibit 4**  
**Supplemental Bill of Particulars**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
MARISOL JAVIER, as the Mother and Natural Guardian  
of A [REDACTED] J [REDACTED], an infant under the age of fourteen  
(14) years, and MARISOL JAVIER, Individually

**Index No.: 25643/2015**

Plaintiffs

**VERIFIED SUPPLEMENTAL  
BILL OF PARTICULARS**

-against-

HYDE LEADERSHIP CHARTER SCHOOL, PETER  
ANDERSON, JANE DOE TEACHER and NEW YORK  
CITY DEPARTMENT OF EDUCATION

Defendants  
-----X

Plaintiffs **MARISOL JAVIER**, as the Mother and Natural Guardian of A [REDACTED] J [REDACTED], an  
infant under the age of fourteen (14) years, and **MARISOL JAVIER**, Individually, by their attorneys  
**JOSEPH A. MARIA, P.C.**, as and for their Supplemental Bill of Particulars in Response to Defendants  
Hyde Leadership Charter School, Peter Anderson and Jane Doe Teacher's July 20, 2016 request:

9. The offensive contact occurred in the infant Plaintiff's classroom with his teacher(s)  
present.

The incident occurred in the classroom in which the infant Plaintiff and co-students  
Steven and Harlan were present at approximately 11:30 a.m. on October 9, 2014. As stated in  
Plaintiffs' Bill of Particulars, the exact number / letter designated for this classroom is not known  
by the then seven (7) year old infant Plaintiff.

Plaintiffs reserve the right to supplement this response upon the receipt of the  
Defendants' response to Plaintiffs' April 4, 2016 Demand for Document Production. It is expected  
that the requested documents would specify the room number, as well as the identity of all adult  
teachers, aides and other Charter School employees who were present in that classroom at the

**time of the bullying incident and the infant Plaintiff's reporting of the incident to this classroom teacher, and/or other adult.**

13. Defendants failed to maintain timely, adequate and appropriate supervision, management and control over their students; failed to properly protect the infant Plaintiff from incidents of bullying; failed to prevent the infant Plaintiff's classmates from improper physical contact with his person.

**Upon review No. 13 is not a complete sentence. It is assumed that the question is in what way did the Defendants' inadequately supervision caused the bullying incident which is the subject of this lawsuit.**

**The Defendants' negligence, carelessness and recklessness consisted of their improper, inadequate and untimely supervision over co-students Steven and Harlan which resulted in their bullying the infant Plaintiff in his classroom while Defendants' teacher(s), aide(s) and other employee(s) were present. There was a failure on their individual parts to pay adequate and proper attention to the actions of these two (2) students toward the infant Plaintiff. As a result these two (2) students engaged in improper physical contact with the infant Plaintiff. Had proper, adequate and timely supervision been provided at and prior to the bullying incident, the improper physical contact would not have taken place.**

14. The Defendant's administrators and teachers failed to provide proper, adequate and appropriate supervision of their students. As a result student bullying, including those physical contacts which the infant Plaintiff suffered in September 2014 and on October 9, 2014, were permitted and allowed to occur and continue.

**The Defendants, by and through its teachers, aides and other employees who were charged with the care of the infant Plaintiff while at their Charter School, failed to provide to the infant plaintiff that degree of proper, adequate and timely supervision over the actions of students**

Steven and Harlan which would be expected of reasonable prudent parents. There was a failure to keep said students under proper control and to prevent them from bullying and physically contacting the infant Plaintiff. They failed to pay adequate attention to the actions of the two (2) students both at and prior to the bullying incident. They failed to warn them against improper physical touching. They failed to admonish them for such conduct. They failed to provide their students with properly, adequate and time instructions with respect to conduct which constituted bullying and improper student conduct. They failed to keep and maintain proper control and decorum in the class. They failed to see that which was being done in the classroom and to the infant Plaintiff. They failed to pay proper, adequate and timely attention to the actions of the students who were in their classroom.

17. The information requested is peculiarly within the Defendants' personal knowledge, specifically its administration and the infant Plaintiff's classroom teachers.

The Plaintiffs do not know the name(s) or position of the teacher(s), aide(s), other Charter School worker(s) who were in the classroom when the infant Plaintiff was the victim of the bullying incident.

They reserve their right to supplement this response when they receive the documents which they had demanded be produced by the Defendants in their April 4, 2016 Document Production Notice and have conducted the deposition of the infant Plaintiff's teacher,

Dated: White Plains, New York  
August 11, 2016

JOSEPH A. MARIA, P.C.

By:   
Edward A. Frey, Esq.

Attorneys for Plaintiffs  
301 Old Tarrytown Road  
White Plains, NY 10603  
(914) 684-0333  
File No.: 01-2195

TO: JANET O'CONNOR CORNELL, ESQ.  
CORNELL GRACE, P.C.  
Attorneys for Defendants HYDE LEADERSHIP  
CHARTER SCHOOL, PETER ANDERSON and  
JANE DOE TEACHER  
111 Broadway – Suite 810  
New York, NY 10006  
(212) 233-1100

ZACHARY W. CARTER, ESQ.  
Corporation Counsel  
Attorneys for Defendant THE BOARD/DEPARTMENT  
OF EDUCATION OF THE CITY OF NEW YORK  
s/h/a NEW YORK CITY DEPARTMENT OF EDUCATION  
100 Church Street  
New York, NY 10007  
(718) 503-5030  
Law Department #: 2015-047617

EDWARD FREY, ESQ.

I, the undersigned, am an attorney, admitted to practice in the courts of New York, and

☐ certify that the annexedAttorney's has been compared by me with the original and found to be a true and complete copy thereof.  
Certification

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for Plaintiffs

☒ know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on  
Attorney's information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon  
Verification knowledge, is based upon the following. All facts contained in file.By The reason I make this affirmation instead of Plaintiffs is that Plaintiffs reside outside the county wherein my offices are located..  
Affirmation

I affirm that the foregoing statements are true under penalties of perjury.

Dated: August 18, 2016

Edward Frey, Esq.

STATE OF NEW YORK, COUNTY OF

SS:

being sworn says: I am

☐ in the action herein; I have read the annexedIndividual know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on  
Verification information and belief, and as to those matters I believe them to be true.  
the of☐ a corporation, one of the parties to the action; I have read the annexedCorporate know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on  
Verification information and belief, and as to those matters I believe them to be true.by  
Affirmation My belief, as those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on , 2016

(Print signer's name below signature)

Notary Public

STATE OF NEW YORK, COUNTY OF WESTCHESTER ss:

Jenny Chavarri being sworn says: I am not a party to the action, am over 18 years of age and reside at White Plains,  
New York.

On August 18, 2016, I served a true copy of the annexed Verified Supplemental Bill of Particulars

☒ by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal  
Service within the state of New York, addressed to the last-known address of the addressee(s) as indicated below:  
By Mail☐ by delivering the same personally to the person at the address indicated below:Personal  
Service☐ by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated  
Service by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission  
Electronic was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or  
Means official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s)  
as indicated below:☐ by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the  
Overnight latest time designated by the overnight delivery. The address and delivery service are indicated below:  
DeliveryService TO: JANET O'CONNOR CORNELL, ESQ.  
CORNELL GRACE, P.C.  
Attorney for Defendants HYDE  
LEADERSHIP CHARTER SCHOOL,  
PETER ANDERSON & JANE DOE  
TEACHER  
111 Broadway - Suite 810  
New York, NY 10006ZACHARY W. CARTER, ESQ.  
CORPORATION COUNSEL  
Attorneys for Defendant THE BOARD/  
DEPARTMENT OF EDUCATION OF THE  
CITY OF NEW YORK s/h/a NEW YORK  
CITY DEPARTMENT OF EDUCATION  
100 Church Street  
New York, NY 10007

Sworn to before me on August 18, 2016

Notary Public

ROSE ALICE MONIK  
Notary Public, State of New York  
No. 01MO845373  
Qualified in Rockland County  
Commission Expires Aug 31, 2017

Jenny Chavarri

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

MARISOL JAVIER, as the Mother and Natural Guardian of A [REDACTED] J. [REDACTED], an infant under the age of fourteen (14) years, and MARISOL JAVIER, Individually

Plaintiffs

-against-

HYDE LEADERSHIP CHARTER SCHOOL, PETER ANDERSON, JANE DOE TEACHER and NEW YORK CITY DEPARTMENT OF EDUCATION

Defendants.

VERIFIED SUPPLEMENTAL BILL OF PARTICULARS

JOSEPH A. MARIA, P.C.

Attorney(s) for Plaintiffs  
File No.: 01-2195(jc)

301 OLD TARRYTOWN ROAD  
WHITE PLAINS, NEW YORK 10601  
(914) 684-0333

Pursuant to 22 NYCRR 130-1.1. the undersigned, an attorney admitted to practice in the courts of New York State, certified that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:..... Signature.....  
Print Signer's Name.....

Service of a copy of the within ..... is hereby admitted.  
Dated:.....

.....  
Attorney(s) for

PLEASE TAKE NOTICE

☐ that the within is a (certified) true copy of a  
NOTICE OF entered in the office of the clerk of the within name Court on , 2009  
ENTRY

☐ that an Order of which the within is a true copy will be presented for settlement to the  
NOTICE OF Hon. One of the judges of the within named Court,  
SETTLEMENT at 20 , at M.

Dated:

Attorney(s) for JOSEPH A. MARIA, P.C.

To: 301 OLD TARRYTOWN ROAD  
WHITE PLAINS, NEW YORK 10603  
(914) 684-0333

Attorney(s) for